WP(C) 2792/2007

BEFORE

THE HON’BLE MR JUSTICE AMITAVA ROY

Heard Mr. C Baruah, learned counsel for the petitioner and Mr. Roy, learned State counsel for the official respondents.

Having regard to the relief prayed for and as agreed to by the learned counsel for the parties, I dispose of the petition at the motion stage.

For the order, which I propose to pass, I do not consider it necessary to issue notice on the respondent No. 5.

Facts in brief essential for the order proposed, are that the election to the Managing Committee of the Uttar Bajali Samabai Samiti Ltd. (hereafter also referred to as the ’Samiti’), was scheduled to be held on 27.05.2007. The petitioners, who are the shareholders of the Society, on the date of the election, noticed gross anomalies and discrepancies in the voter list. Though, they brought the above fact to the knowledge of the Assistant Registrar of Co-operative Societies, Barpeta and sought postponement of the election, their request was not attended to. The proceedings of the election scheduled to be held, are presently lying with the Assistant Registrar, Co-operative Societies, Barpeta. According to the petitioners, no approval so far has yet been accorded. In the meantime, being aggrieved by the election on the basis of defective voter list and anomalies in the proceeding thereof, the petitioner has filed a statutory appeal under section 80 of the Assam Co-operative of Societies Act, 1949, before the Registrar of Co-operative Society, Assam, which is pending for disposal.

The learned counsel for the petitioner, has urged that in the facts and circumstances of the case, this petition may be closed with a direction to the Registrar of Co-operative Society, Assam to dispose of the petitioners’ appeal on merit and till then, the Assistant Registrar of Co-operative Societies, Barpeta may be restrained from granting approval to the proceeding of the impugned meeting.

Mr. Roy, has no objection to the course suggested.

Upon hearing the learned counsel for the petitioner and the documents appended to the petition, I am of the view, having regard to imputations made in the appeal petition, that the prayer made on behalf of the petitioner is reasonable. This petition is therefore, closed with a direction to the Registrar of Co-operative Societies, Assam to hear and dispose of the petitioners’ appeal on merits within a week from the date of receipt of the certified copy of this order.

The petitioner would file a copy of this order before the aforementioned authority within a week herefrom. Pending disposal of the appeal, it is provided that the Assistant Registrar of Co-operative, Societies, Barpeta, would not approve the proceeding of the meeting of the Society held on 27.05.2007. No costs.